

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MICHAEL NAPOLI,

Plaintiff,

- against -

JUDGMENT

CV 13-5828 (JFB) (AYS)

243 GLEN COVE AVENUE GRIMALDI,
INC., d/b/a GRIMALDI'S PIZZERIA, and
FRANK CIOLLI,

Defendants.

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A Memorandum and Order of Honorable Joseph F. Bianco, United States Circuit Judge (sitting by designation), having been filed on September 6, 2019; concluding that plaintiff has not shown by a preponderance of the evidence that defendants violated the minimum wage, overtime and anti-retaliation provisions of the Fair Labor Standards Act ("FLSA") and New York Labor Law ("NYLL"); concluding that plaintiff has not shown by a preponderance of the evidence that he is entitled to relief in quasi-contract (*i.e. quantum meruit and unjust enrichment*) between the parties; and directing the Clerk of the Court to enter judgment in favor of all defendants on all claims, it is

ORDERED AND ADJUDGED that plaintiff Micheal Napoli take nothing of defendants 243 Glen Cove Avenue Grimaldi, Inc., and Frank Ciolli; that plaintiff has not shown by a preponderance of the evidence that defendants violated the minimum wage, overtime and anti-retaliation provisions of the FLSA and NYLL; that plaintiff has not shown by a preponderance of the evidence that he is entitled to relief in quasi-contract between the parties; and that this case is closed.

Dated: September 17, 2019
Central Islip, New York

DOUGLAS C. PALMER
CLERK OF THE COURT
BY: /S/ JAMES J. TORITTO
DEPUTY CLERK